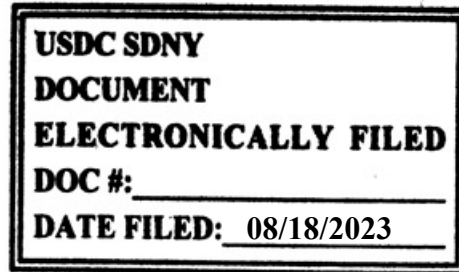




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August 17, 2023

VIA CM/ECF

Hon. Katharine H. Parker
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Smith v. Akela Contracting LLC, et al., Civil Action No: 1:22-cv-01185-VSB

Dear Judge Parker:

We represent Plaintiff Anthony Smith, the current opt-in plaintiffs, and the putative class and collective in the above referenced matter. We write jointly with Defendants Akela Contracting LLC (“Akela”), Akela Contracting/Civetta Cousins JV, Joint Venture, LLC (the “LLC”), Karine Williams (“Williams”, and, together with Akela and the LLC, the “Akela Defendants”), JDV Safety Inc. (“JDV”), All Eyes on Safety Inc. (“AES”), and Brian McDermott (“McDermott”, and, together with JDV and AES, the “JDV Defendants”), to respectfully request a new settlement conference date given ongoing developments in the case.

In sum, this Court previously scheduled a settlement conference for September 19, 2023 at 2:00 p.m. ECF No. 94. Since the date of this order, the parties negotiated a stipulation allowing for FLSA notice to be sent to putative collective members, which was so-ordered by Judge Broderick on July 12, 2023. *See* ECF Nos. 104, 108. Currently, FLSA notice is scheduled to be sent on August 22, 2023, with the notice period deadline being October 23, 2023.

The Parties respectfully request a new date for the settlement conference at the Court’s convenience after the conclusion of the notice period. We believe that holding the settlement conference after the close of the notice period would be the best use of the Parties’ and the Court’s resources. If the Court has availability, the Parties would welcome any dates in December 2023. This would be the first rescheduling of the settlement conference.

We thank the Court for its time and consideration of our request.

Sincerely,

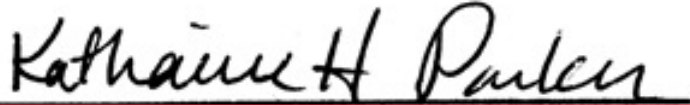
/s/ Armando A. Ortiz

Armando A. Ortiz

CC: All Counsel of Record (via CM/ECF)

APPLICATION GRANTED: The Settlement Conference in this matter scheduled for Tuesday, September 19, 2023 at 2:00 p.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York. is hereby rescheduled to **Monday, December 4, 2023 at 10:00 a.m.** Parties must attend with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with the Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than **November 27, 2023 by 5:00 p.m.**

APPLICATION GRANTED

A handwritten signature in black ink, reading "Katharine H. Parker", written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

08/18/2023